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August 14, 2015

**VIA ELECTRONIC FILING**

The Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**Re: Latigo Wind Park, LLC**  
**Docket No. EG15-\_\_-000**

Dear Secretary Bose:

Pursuant to Section 366.7 of the Federal Energy Regulatory Commission's (the "Commission") regulations, 18 C.F.R. § 366.7, please find enclosed a notice of self-certification of exempt wholesale generator ("EWG") status submitted for filing by Latigo Wind Park, LLC. This filing has been mailed on this date to the Utah Public Service Commission.

Please contact the undersigned if you have any questions regarding this notice.

Respectfully submitted,

*/s/ Chad T. Marriott*

Chad T. Marriott  
*Counsel for Latigo Wind Park, LLC*

cc: Utah Public Service Commission

**UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION**

**Latigo Wind Park, LLC**

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**Docket No. EG15-\_\_-000**

**NOTICE OF SELF-CERTIFICATION OF  
EXEMPT WHOLESALE GENERATOR STATUS**

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”)<sup>1</sup> and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (the “Commission”), 18 C.F.R. § 366.7, Latigo Wind Park, LLC (“Applicant”) hereby submits this Notice of Self-Certification as an Exempt Wholesale Generator (“EWG”) (“Notice”), as defined in Section 366.1 of the Commission’s regulations, 18 C.F.R. §366.1.

**I. COMMUNICATIONS**

Communications with regard to this Notice should be addressed to:

Sean McBride  
General Counsel  
Sustainable Power Group  
2180 South 1300 East, Suite 600  
Salt Lake City, UT 84106  
Telephone: (801) 679-3500  
Fax: (801) 679-3501  
Email: smcbride@spower.com

Chad T. Marriott  
Stoel Rives LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, OR 97204  
Telephone: (503) 294-9339  
Fax: (503) 220-2480  
Email: chad.marriott@stoel.com

**II. DESCRIPTION OF APPLICANT**

Applicant owns and will operate a 62.1 MW wind-powered electricity generating facility under development in San Juan County, Utah (the “Facility”). The Facility will interconnect to Rocky Mountain Power’s Pinto Substation within the PacifiCorp East balancing authority area. The Facility has an executed power purchase agreement with PacifiCorp under which the Applicant will sell all of the Facility’s output to PacifiCorp. Applicant will own and operate the Facility and sell all of its output exclusively at wholesale. The Facility is expected to begin

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<sup>1</sup> Pub. L. No. 109-58, 119 Stat. 594, § 1266 (Aug. 8, 2005).

generating test energy in December 2015. Applicant's sole business is owning and operating the Facility.

Applicant is a wholly-owned subsidiary of Sustainable Power Group, LLC, a Delaware limited liability company, which in turn is a wholly-owned subsidiary of FTP Power LLC, also a Delaware limited liability company.

### III. REPRESENTATIONS

The Commission's regulations require that an EWG be engaged directly, or indirectly through one or more affiliates, and exclusively in the business of owning and/or operating one or more eligible facilities and selling electric energy at wholesale.<sup>2</sup> Consistent with the Commission's regulations, Applicant makes the following representations to certify that it satisfies the requirements for EWG status:

A. Applicant is a Delaware limited liability company that owns and operates a 62.1 MW wind-powered electricity generating facility located in San Juan County, Utah.

B. Applicant will be engaged directly, or indirectly through one of its affiliates, and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more "eligible facilities" and selling electrical power at wholesale. Applicant may engage in activities incidental to the sale of electric energy, consistent with Commission precedent.<sup>3</sup>

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<sup>2</sup> See 18 C.F.R. §§ 366.7 and 366.1 (2014). Section 366.1 incorporates Sections 32(a)(2) through (4), and Sections 32(b) through (d) of the Public Utility Holding Company Act of 1935, 15 U.S.C. §§ 79z-5a(a)(2)-(4), 79z-5b(b)-(d) ("PUHCA 1935"), for purposes of establishing or determining whether an entity qualifies for EWG status.

<sup>3</sup> The Commission's precedent provides that an EWG applicant may engage in certain activities associated with the development and acquisition of as-yet-unidentified eligible facilities and/or EWGs, including due diligence, project design review and development, preparation of bid proposals, application for permits and/or regulatory approvals, negotiation of agreements to sell electricity at wholesale, negotiation of contractual commitments with lenders and equity investors, negotiation of contractual commitments with governmental authorities and other project participants, and other such activities as may be required to achieve financial closing on an eligible facility and/or EWG. *Southern Elec. Wholesale Generators, Inc.*, 66 FERC ¶ 61,264 (1994); *Entergy Power Asia Ltd.*, 67 FERC ¶ 61,342 (1994).

C. The Facility constitutes an “eligible facility” as defined in Section 32(a)(2) of the Public Utility Holding Company Act of 1935 (“PUHCA 1935”), which is incorporated by reference in Section 366.1 of the Commission’s regulations, 18 C.F.R. § 366.1. Applicant’s sales of electric generation produced by the Facility will be exclusively at wholesale. The Facility will include no transmission or distribution facilities other than those limited interconnection facilities necessary to effect wholesale sales of electric energy, consistent with Commission precedent construing the definition of “eligible facility” under Section 32(a)(2) of PUHCA 1935.

D. Applicant will not make retail or foreign sales of power.

E. There are, and will be, no lease arrangements involving the Facility under which Applicant is the lessor. No portion of the Facility is, or will be, owned or operated by an electric utility company that is an affiliate or an associate company of Applicant, as those terms are defined in the Commission’s regulations.<sup>4</sup>

F. No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced thereby, was in effect under the laws of any state as of October 24, 1992. Therefore, no determination or certification by any state commission pursuant to Section 32(c) of the PUHCA of 1935 is required prior to certification of Applicant as an EWG.

G. Applicant has on this day mailed a copy of this Notice of Self-Certification to the Utah Public Service Commission, which is the state regulatory authority of the state in which the Facility is located.

H. Pursuant to Section 366.7 of the Commission’s regulations, attached to this filing as Attachment A is a signed subscription certification by a representative legally authorized to bind Applicant, attesting to the facts and representations in this Notice, which demonstrate eligibility for EWG status.

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<sup>4</sup> The terms “Electric Utility Company,” “Affiliate” and “Associate Company” are defined in 18 C.F.R. § 366.1. As explained above in footnote 1, Applicant may operate generating facilities pursuant to contractual arrangements, but Applicant will not control decisions concerning dispatch.

#### IV. CONCLUSION

Based upon the facts, representations and statements set forth herein, Applicant respectfully requests that the Commission accept this notice of self-certification of EWG status.

DATED: August 14, 2015.

Respectfully submitted,

/s/ Chad T. Marriott

Chad T. Marriott

*Attorney for Latigo Wind Park, LLC*

## **ATTACHMENT A**

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### **SUBSCRIPTION CERTIFICATION**

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

Latigo Wind Park, LLC

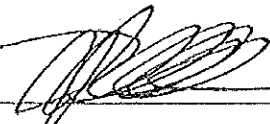
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Docket No. EG15-\_\_-000

**CERTIFICATION**

I, the undersigned, and as an officer of FTP Power LLC, certify that I have read the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status being filed by Latigo Wind Park, LLC for a determination of exempt wholesale generator status and know the contents thereof; and the facts and representations set forth in the attached certification of exempt wholesale generator status are true and correct to the best of my knowledge, information and belief. I possess the full power and authority to sign this filing.

DATED: August 13, 2015

  
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Ryan Creamer, Chief Executive Officer

**ATTACHMENT B**

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**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

I hereby certify that foregoing Notice of Self-Certification of Exempt Wholesale Generator Status of Latigo Wind Park, LLC was served on the 14th of August, 2015, upon the following:

Utah Public Service Commission  
Heber M. Wells Building  
160 East 300 South  
Salt Lake City, UT 84114

/s/ Chad T. Marriott

Chad T. Marriott  
Stoel Rives LLP  
900 SW Fifth Ave., Suite 2600  
Portland, Oregon 97204

*Counsel for Latigo Wind Park, LLC*